

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	No. CR-15-126-5-C
)	
CURTIS A. ANTHONY,)	
)	
Defendant.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

After the conclusion of the trial in this matter, Plaintiff filed a Motion for Defendant to Reimburse Court for CJA Representation. In that Motion, Plaintiff argues Defendant had sufficient assets to pay for counsel. Pursuant to 28 U.S.C. § 636(b)(3), the Court referred the issue to Magistrate Judge Shon T. Erwin. Judge Erwin conducted a hearing on the Motion and considered the parties' arguments as well as ex parte argument presented by Defendant's counsel. Judge Erwin has now issued a Report and Recommendation ("R&R") recommending the Motion be denied. No party has objected to the R&R.

As Judge Erwin noted, the two issues to be decided are: 1) whether Mr. Stout could continue to represent Mr. Anthony and 2) whether Mr. Anthony should be ordered to reimburse the Court the cost of Mr. Stout's representation. These questions focus on the second and third stages of the CJA appointment process. As counsel had already been appointed the first stage is not implicated.

The questions posed by Judge Erwin are resolved by examination of the evidence presented by parties regarding Defendant's present ability to pay for his attorney. As Judge Erwin correctly noted, the evidence demonstrates Defendant does not have the financial resources to pay for representation. This determination is well supported by the evidence presented by Defendant's counsel and the Court will adopt Judge Erwin's recommendation in full.¹

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge (Dkt. No. 442). For the reasons set forth in the R&R and this Order Plaintiff's Motion for Defendant to Reimburse Court for CJA Representation (Dkt. No. 352) is DENIED. Defendant does not have a present ability to pay for representation by counsel.

IT IS SO ORDERED this 18th day of April, 2018.


ROBIN J. CAUTHRON
United States District Judge

¹ The Court notes that in reaching this decision and those set forth in the remainder of this Order, it has reviewed and considered the ex parte evidence presented by Defendant's counsel.